

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Jacksonville

FILE NUMBER:

SAJ-2004-10190-JPF

REGULATORY PROJECT MANAGER:

John FellowsDate: 28-Sep-04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)Date: 28-Sep-04At the project site N (Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

Florida

County:

Polk

Center coordinates of site by latitude & longitudinal coordinates:

28°01'37.88"/82°02'09.75"

Approximate size of site/property (including uplands & in acres):

79.4

Name of waterway or watershed:

Hillsborough River watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	1.0	1.81							
<u>X Upland-cut ditches (1.0 acre)</u>									
<u>Upland-cut pond (1.81 acres)</u>									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary __ Or Approved X.

REQUIRED ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

Upland-cut ditches connect to downstream waters of the U.S. but originate in uplands, potential use by migratory birds and wood storks, use for irrigation unknown

Upland-cut pond isolated from connection to other waters of the U.S., potential use by migratory birds and wood storks, use for irrigation unknown

Project plans and aerials [from applicant and from Internet (1999, from <http://eraonline.dep.state.fl.us>)] used to determine that ditches did not function as connections between wetland and other waters of the U.S. and that the pond is isolated